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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,) No. CR-09-2074-LRS-2
8 Plaintiff,) ORDER GRANTING MOTION AND
9 v.) SETTING CONDITIONS
10 DANIEL OSEGUEDA,) OF RELEASE
11 Defendant.) ☒ Motion Granted
12) (Ct. Rec. 63)
13) ☐ Action Required

14 Date of Motion hearing: August 27, 2009

15 IT IS ORDERED that the release of the Defendant is subject to the
16 following:

17 STANDARD CONDITIONS OF RELEASE

18 (1) Defendant shall not commit any offense in violation of federal,
19 state or local law. Defendant shall advise the supervising Pretrial
20 Services Officer and defense counsel within one business day of any
21 charge, arrest, or contact with law enforcement.

22 (2) Defendant shall immediately advise the court, defense counsel
23 and the U.S. Attorney in writing before any change in address and
24 telephone number.

25 (3) Defendant shall appear at all proceedings as required and shall
26 surrender for service of any sentence imposed as directed.

27 (4) Defendant shall sign and complete A.O. 199C before being
28 released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or
other dangerous weapon.

(6) Defendant shall report to the United States Probation Office
before or immediately after release and shall report as often as
they direct, at such times and in such manner as they direct.

(7) Defendant shall contact defense counsel at least once a week.

(8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

BOND

(9) Defendant shall:

☐ Execute an unsecured appearance bond in the amount of _____ dollars

(\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by _____, in the amount of _____ dollars

(\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute: ☐ \$_____ corporate surety bond

☐ \$_____ property bond

☐ \$_____ cash bond

☐ \$_____ percentage bond, with
\$_____ paid in cash

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community,

1 **IT IS FURTHER ORDERED** that the release of the Defendant is subject
 2 to the following additional conditions:

3 ☐ (10) The Defendant is placed with:

4 _____
 5 Name of person or organization

6 _____
 7 Address

8 _____
 9 City and State

_____ Tele. Number

Signature

Date

10 who agrees to sign a copy of this Order, **to be kept in Pretrial**
 11 **Services' file**; supervise the Defendant consistent with all the
 12 conditions of release; use every effort to assure the appearance of
 13 the Defendant at all scheduled court proceedings; and notify the
 14 court immediately in the event the Defendant violates any conditions
 15 of release or disappears.

16 ☒ (11) Maintain or actively seek lawful employment.

17 ☒ (12) Maintain or commence an education program.

18 ☐ (13) Surrender any passport to Pretrial Services and does not
 19 apply for a new passport.

20 ☒ (14) Defendant shall remain in the:

21 ☒ Eastern District of Washington or ☐ State of Washington
 22 while the case is pending. On a showing of necessity, Defendant may
 23 obtain prior written permission to leave this area from the United
 24 States Probation Office.

25 ☐ Exceptions:

26 _____
 27 _____
 28 ☒ (15) Avoid all contact, direct or indirect, with any persons who

1 are or who may become a victim or potential witness in the subject
2 investigation or prosecution, including but not limited to:

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4
5 ☒ (16) Avoid all contact, direct or indirect, with:

6 ☒ Known felons

7 ☒ Co-Defendant(s)

8 ☒ Current or former gang members

9 ☐ (17) Undergo medical or psychiatric treatment and/or remain in an
10 institution as follows:

11
12 ☒ (18) Refrain from: ☐ any ☒ excessive use of alcohol

13 ☐ (19) There shall be no alcohol in the home where Defendant
14 resides.

15 ☒ (20) There shall be no firearms in the home where Defendant
16 resides.

17 ☒ (21) Refrain from use or unlawful possession of a narcotic drug
18 or other controlled substances defined in 21 U.S.C. § 802, unless
19 prescribed by a licensed medical practitioner.

20 ☐ (22) Except for employment purposes, Defendant shall not have
21 access to the internet, including cell phones with internet access.

22 ☐ (23) Defendant may not be in the presence of minors, unless a
23 responsible, knowledgeable adult is present at all times.

24 ☒ (24) SPECIAL CONDITIONS

25 ☒ POLYGRAPH EXAMINATION

26 (1) Defendant has orally stipulated that he will submit to
27 polygraph examinations for the express purpose of ensuring
28 compliance with the terms and conditions of release.

1 (2)The Defendant has orally waived any and all objections to
2 the use of a polygraph examination as evidence of
3 noncompliance with terms and conditions of release.

4 (3)The U.S. Probation office has been granted the authority to
5 require the Defendant to submit to polygraph examinations
6 periodically while this matter is pending.

7 (4)The questions asked during a polygraph examination may only
8 inquire as to the Defendant's compliance with the terms and
9 conditions of release. The U.S. Probation office is forbidden
10 from asking any questions regarding the criminal matter
11 currently pending.

12 (5)The Defendant has agreed to bear the cost of any and all
13 polygraph examinations unless otherwise stipulated by the U.S.
14 Probation office.

15 ☒ CHURCH ATTENDANCE AND SUPERVISION

16 (1)Reverend Garica and Church leadership must contact the U.S.
17 Probation Office twice (2) times every month in order that
18 U.S. Probation be informed of the Defendant's activities while
19 attending church.

20 (3)While attending church, the defendant is forbidden from
21 having any contact with any current or former gang members.

22 (2)While attending church, the Defendant must be accompanied
23 and supervised by a member of the church's men's group at all
24 times.

25 (3)If at any time the Defendant has any contact with a former
26 or a current gang member, the church member supervising the
27 Defendant must immediately contact U.S. Probation.
28

1 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

2 If Defendant is required to submit to a substance abuse evaluation,
3 inpatient or outpatient treatment, the following shall apply:

4 Defendant shall complete treatment indicated by an evaluation or
5 recommended by Pretrial Services and shall comply with all rules of
6 a treatment program. Defendant shall be responsible for the cost of
7 testing, evaluation and treatment, unless the United States
8 Probation Office should determine otherwise. The United States
9 Probation Office shall also determine the time and place of testing
10 and evaluation and the scope of treatment. If Defendant fails in
11 any way to comply or cooperate with the requirements and rules of a
12 treatment program, Pretrial Services shall notify the court and the
13 U.S. Marshal, who will be directed to immediately arrest the
14 Defendant.

15 Defendant shall participate in one or more of the following
16 treatment programs:

17 ☐ (24) **Substance Abuse Evaluation:** Defendant shall undergo a
18 substance abuse evaluation:

19 ☐ if directed by a U.S. Probation Officer.

20 ☐ as directed by a U.S. Probation Officer.

21 ☐ Prior to release, Defendant must have an appointment for a
22 substance abuse evaluation, and the appointment must be
23 confirmed to the court by Pretrial Services. Defendant will
24 be released:

25 ☐ one day prior to, or ☐ on the morning of his appointment.

26 ☐ (25) **Inpatient Treatment:** Defendant shall participate in an
27 intensive inpatient treatment program.

28 ☐ Prior to release, an available bed and date of entry must be
confirmed by Pretrial Services.

☐ Defendant will be released to an agent of the inpatient
program on _____.

☐ Prior to release from inpatient treatment, an outpatient
treatment program must be presented to the court. If
Defendant does not have a structured outpatient treatment

1 program in place prior to conclusion of inpatient treatment,
2 Defendant automatically will go back into the custody of the
3 U.S. Marshal.

4 ☐ Following inpatient treatment, Defendant shall participate in
5 an aftercare program.

6 ☐ (26) **Outpatient Treatment:** Defendant shall participate in
7 intensive outpatient treatment.

8 ☐ Prior to release, an appointment for Defendant's first
9 counseling session must be made and confirmed by Pretrial
10 Services. Defendant will be released:

11 ☐ one day prior to, or ☐ on the morning of his appointment

12 ☐ (27) **Other:** _____

13 _____
14 _____
15 _____

16 ☐ (28) **Prohibited Substance Testing:** If random urinalysis testing
17 is not done through a treatment program, random urinalysis testing
18 shall be conducted through Pretrial Services, and shall not exceed
19 six (6) times per month. Defendant shall submit to any method of
20 testing required by the Pretrial Service Office for determining
21 whether the Defendant is using a prohibited substance. Such methods
22 may be used with random frequency and include urine testing, the
23 wearing of a sweat patch, a remote alcohol testing system, and/or
24 any form of prohibited substance screening or testing. Defendant
25 shall refrain from obstructing or attempting to obstruct or tamper,
26 in any fashion, with the efficiency and accuracy of prohibited
27 substance testing. Full mutual releases shall be executed to permit
28 communication between the court, Pretrial Services, and the

1 treatment vendor. Treatment shall not interfere with Defendant's
2 court appearances.

3 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

4 ☒ (29) Defendant shall participate in one or more of the following
5 home confinement program(s):

6 ☐ **Electronic Monitoring.** The Defendant shall participate in a
7 program of electronically monitored home confinement. The
8 Defendant shall wear, at all times, an electronic monitoring
9 device under the supervision of U.S. Probation. In the event the
10 Defendant does not respond to electronic monitoring or cannot be
11 found, the U.S. Probation Office shall forthwith notify the
12 United States Marshals' Service, who shall immediately find,
13 arrest and detain the Defendant. The Defendant shall pay all or
14 part of the cost of the program based upon ability to pay as
15 determined by the U.S. Probation Office.

16 ☒ **GPS Monitoring.** The Defendant shall participate in a program
17 of GPS confinement as soon as the monitoring system is available.
18 U.S. Probation will inform the Defendant as to when the monitoring
19 equipment is available. The Defendant shall wear, at all times, a
20 GPS device under the supervision of U.S. Probation. In the event
21 the Defendant does not respond to GPS monitoring or cannot be found,
22 the U.S. Probation Office shall forthwith notify the United States
23 Marshals' Service, who shall immediately find, arrest and detain the
24 Defendant. The Defendant shall pay all or part of the cost of the
25 program based up ability to pay as determined by the U.S. Probation
26 Office

27 ☒ **Home detention**

28 While Defendant is awaiting installment of GPS monitoring unit,

1 the Defendant shall be restricted to his/her residence at all
2 times except for: attorney visits; court appearances; case-related
3 matters; court-ordered obligations; or other activities as pre-
4 approved by the Pretrial Services Office or supervising officer,
5 as well as:

- 6 ☒ employment ☒ education ☒ religious services
7 ☐ medical, substance abuse, or mental health treatment
8 ☐ Maintain residence at a halfway house or community corrections
9 center, as deemed necessary by the Pretrial Services Office or
10 supervising officer.

11 DATED August 27, 2009.

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13 s/James P. Hutton
14 JAMES P. HUTTON
15 UNITED STATES MAGISTRATE JUDGE
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